REMARKS

Claims 1, 2, 21, 25, 29 and 31 are pending and under examination in the subject application. Applicants have not amended or canceled any claims, and have added new claims 33-35. New claims 33-35 correspond to originally filed claims 26-28, respectively. Support for new claims 33-35 can be found in the specification at, *inter alia*, page 17, lines 24-30. Applicants maintain that the addition of new claims 33-35 raises no issue of new matter. Therefore, upon entry of this Amendment, claims 1, 2, 21, 25, 29, 31 and 33-35 will be pending and under examination.

Restriction Requirement

In the March 3, 2006 Office Action, the Examiner restricted pending claims 1, 2, 21, 25, 29 and 31 to one of the following allegedly distinct inventions under 35 U.S.C. §121 as follows:

I. Claims 1 and 2, drawn to a method for treating ischemia by administering activated Factor IX, classified in Class 424, subclass 94.1;

II. Claim 21, drawn to a method of identifying compounds that improve ischemia, classified in Class 424, subclass 529;

III. Claim 25, drawn to a method of treating reperfusion injury by administering activated Factor IX, classified in Class 424, subclass 94.64;

IV. Claim 29, drawn to a method of inhibiting clot formation by

administering a mutein, classified in Class 424, subclass 192.1; and

V. Claim 31, drawn to a method of monitoring the effect of activated Factor IX, classified in Class 424, subclass 520.

In response, applicants hereby elect Group III, i.e., claim 25, with traverse for prosecution at this time. Consistent with this election, applicants have also added new claims 33-35 for prosecution at this time. Applicants maintain that new claims 33-35 are directed to subject matter provided by the claim of Group III and request that these claims be examined as a single group.

Applicants, however, respectfully request that the Examiner reconsider and withdraw the restriction requirement.

Under M.P.E.P. §803, the Examiner must examine the application on the merits if examination can be made without serious burden, even if the application would include claims to distinct or independent inventions. That is, there are two criteria for a proper requirement for restriction: (1) the invention must be independent and distinct, and (2) there must be a serious burden on the Examiner if restriction were not required.

Applicants respectfully submit that there would not be a serious burden on the Examiner if restriction were not required, because a search of the prior art relevant to the claims of Group III would provide the relevant prior art for Groups I, II, IV and V. Since there is no burden on the Examiner to examine Groups I-V together in the same application, the Examiner must examine the entire

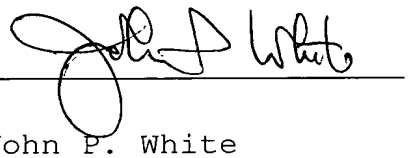
application on the merits.

In view of the foregoing, applicants' maintain that restriction is not proper under 35 U.S.C. §121, and respectfully request that the Examiner reconsider and withdraw the requirement for restriction.

No fee, other than the $60.00 fee for a one-month extension of time, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

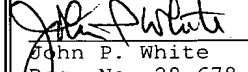
Respectfully submitted,



John P. White
Registration No. 28,678
Alan J. Morrison
Registration No. 37,399
Attorneys for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



5/31/06

John P. White
Reg. No. 28,678

Date